IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22872 of 2004

Between:

Inampudi Chalapathi Rao S/o.Nageswara Rao
R/o.7-76-6, 4th Lane Pandaripuram, Guntur-2.

..... PETITIONER

AND

1 The Chief Engineer Operation and Maintenance,
Southern Power Distribution Company P.Ltd Vijayawada.
2 The Superintending Engineer Operation Circle
Southern Power Distribution Company P.Ltd Guntur.
3 The Divisional Engineer Operation
Southern Power Distribution Company P.Ltd Narasaraopet

Guntur District.
4 The Assistant Engineer Operation
Southern Power Distribution Company P.Ltd Nakarekallu,

Narasaraopet Division, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly in the nature of writ of Mandamus to declare the inaction of the respondents in not providing electrical connection under Tatkal Scheme for agricultural operations for the petitioners lands as arbitrary, illegal and without reasons and issue a consequential directions to the respondents to provide electrical connection to the lands of the petitioner for agricultural operations.

Counsel for the Petitioner: MR.A.RAJENDRA BABU

Counsel for the Respondents: SMT.M.VINOBHA DEVI

The Court, at the stage of admission, made the following

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ORDER:

Petitioner is an agriculturist from Guntur District. He applied for sanction of electric supply under the tatkal scheme, introduced by the respondents. The scheme contemplates supply of electricity through three phase, on turn basis, and the consumption charges are to be collected on the basis of readings in the meter. The petitioner was sanctioned power supply by the respondents herein, on being satisfied that he fulfilled the necessary conditions. The petitioner claims to have established the necessary infrastructure to avail the facility. He complains that though the sanction was accorded long back and the necessary infrastructure is provided, the respondents are not releasing the power supply.

Writ Petitions with similar allegations and contentions were filed before this Court on earlier occasion. Learned Standing counsel has placed before this Court the statistics as to the number of services to be provided in each district for agriculturists. It was evident that the quota in Guntur District has not yet been exhausted.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The petitioner had applied for sanction of electricity supply under tatkal scheme. On finding that he fulfilled the requisite conditions, the competent authority sanctioned the same. Acting upon the sanction letters, the petitioner established the necessary infrastructure and paid the necessary amounts. It is not as if the scheme has since been revised. Even where the Government had changed its policy, it can only operate prospectively, and it does not have the effect of taking away the rights of the citizens in whose favour the sanction was already accorded. The petitioner claims

that on account of the delay he is sustaining heavy losses and is unable to irrigate his crops.

Hence, the writ petition is disposed of directing the respondents to release the power supply, in accordance with the sanction orders passed in favour of the petitioner, within two weeks from the date of receipt of a copy of this order. If the petitioner is yet to comply with any conditions, the respondents shall intimate of the same, without any further delay. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 10th December, 2004

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To

1 The Chief Engineer Operation and Maintenance,

Southern Power Distribution Company P.Ltd Vijayawada.

2 The Superintending Engineer, Operation Circle
Southern Power Distribution Company P.Ltd Guntur.

3 The Divisional Engineer Operation,
Southern Power Distribution Company P.Ltd Narasaraopet

Guntur District.

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Southern Power Distribution Company P.Ltd Nakarekallu,

Narasaraopet Division, Guntur District.

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